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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,260	10/17/2003	Luc Gilbert	P/4562-2	4589

7590

07/27/2005

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EXAMINER
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COOLEY, CHARLES E

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/688,260

Applicant(s)

GILBERT, LUC

Examiner

Charles E. Cooley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## **NON-FINAL OFFICE ACTION**

1. This application has been assigned to Technology Center 1700, Art Unit 1723 and the following will apply for this application:

Please direct all written correspondence with the correct application serial number for this application to Art Unit 1723.

Telephone inquiries regarding this application should be directed to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 or to the Examiner at (571) 272-1139. All official facsimiles should be transmitted to the centralized fax receiving number 571-273-8300.

2. As the PTO continues to move towards a fully electronic environment, the office will phase-in its E-Patent Reference program. This program: (1) provides downloading capability of the U.S. patents and U.S. patent application publications cited in Office actions via the E-Patent Reference feature of the Office's PAIR system; and (2) ceases mailing paper copies of U.S. patents and U.S. patent application publications with office actions except for citations made during the international stage of an international application under PCT.

Effective June 2004, paper copies of cited U.S. patents and U.S. patent application publications will cease to be mailed to applicants with Office actions from this Technology Center. Paper copies of foreign patents and non-patent literature will continue to be included with office actions.

The U.S. patents and patent application publications cited in office actions are available for download via the Office's PAIR system. As an alternate source, all U.S.

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patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources.

Inquiries about the use of the Office's PAIR system should be referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Requests to restart a period for response due to a missing U.S. patent or patent application publications will not be granted.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file.

### ***Specification***

4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The abstract is acceptable.

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed (MPEP 606.01).

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**8. Claims 1, 5, 6/1, 7, 8, 12, 13/8 are rejected under 35 U.S.C. 102(b) as being anticipated by Oberg et al. (US 4,369,915).**

The patent to Oberg et al. discloses the recited rotatable machine or centrifuge in the sole Figure including a shaft driven bowl 10 with an axis of rotation; a shaft driven screw 11 in the bowl with an axis of rotation; drive motors 12 and 17 for driving the shafts and thus the bowl and screw; the drive motors each having an axis; the axes of the drive motors 12 and 17, the axes of the shafts, and the axes of the bowl and screw all being coincident as seen in the Figure; the shafts being concentric to and extending into the motors; the motors 12 and 17 being placed at opposite ends of the machine or centrifuge.

Furthermore, the product-by-process limitations (i.e., the manner in which the shafts are attached to the motors, by push-fitting) do not impart patentability to the claims per MPEP 2113.

**9. Claims 1, 3/1, 7, 8, and 10/8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cyphelly (US 3,923,241).**

The patent to Cyphelly discloses the recited rotatable machine or centrifuge in the sole Figure including a shaft driven bowl 2 with an axis of rotation; a shaft driven screw 6 in the bowl with an axis of rotation; drive motors 5 and 9 for driving the shafts and thus the bowl and screw; the drive motors each having an axis; the axes of the

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drive motors 5 and 9, the axes of the shafts, and the axes of the bowl and screw all being coincident as seen in the Figure; the motors 5 and 9 being placed at the same end of the machine or centrifuge.

**10. Claims 1, 3/1, 5, 7, 8, 10/8, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Jager (US 4,120,447).**

The patent to Jager discloses the recited rotatable machine or centrifuge in Figures 1-2 including a shaft driven bowl 2 with an axis of rotation; a shaft driven screw 10 in the bowl with an axis of rotation; drive motors 12, 13 or 19, 20 for driving the shafts and thus the bowl and screw; the drive motors each having an axis; the axes of the drive motors, the axes of the shafts, and the axes of the bowl and screw all being coincident as seen in the Figures; the shafts being concentric to and extending into the motors; the motors 12, 13 or 19, 20 being placed at the same end of the machine or centrifuge; a casing 1 containing motors 12, 13 or 19, 20.

Furthermore, the product-by-process limitations (i.e., the manner in which the shafts are attached to the motors, by push-fitting) do not impart patentability to the claims per MPEP 2113.

**11. Claims 1, 3/1, 5, 7, 8, 10/8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Weder (US 5,037,372).**

The patent to Weder discloses the recited rotatable machine or centrifuge in Figures 1-4 including a shaft driven bowl 2 with an axis of rotation; a shaft driven screw

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1 in the bowl with an axis of rotation; drive motors I and II for driving the shafts and thus the bowl and screw; the drive motors each having an axis; the axes of the drive motors, the axes of the shafts, and the axes of the bowl and screw all being coincident as seen in the Figures; the shafts being concentric to and extending into the motors; the motors I and II being placed at the same end of the machine or centrifuge.

Furthermore, the product-by-process limitations (i.e., the manner in which the shafts are attached to the motors, by push-fitting) do not impart patentability to the claims per MPEP 2113.

**12. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 3325566 A1.**

DE 3325566 A1 discloses the recited rotatable machine in the sole Figure including a chamber 2 and a shaft 8 or 9; the shafts and chamber rotating along the same axis; a first motor 13 for driving the chamber 2 (via shaft 8) and a second motor 16 for driving the shaft 9; the axes of the first and second motors and the axis of the rotation of the chamber 2 and shaft 8 being coincident as seen in the Figure; the motors being permanent-magnet synchronous motors with magnets 12 and 15 (per the abstract); the shafts 8 and 9 being concentric and fitted into the rotors of the motors as seen in the Figure; the motors being at opposite ends of the machine.

Furthermore, the product-by-process limitations (i.e., the manner in which the shafts are attached to the motors, by push-fitting) do not impart patentability to the claims per MPEP 2113.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**14. Claims 2, 6/2, 9, and 13/9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberg et al. (US 4,369,915) in view of Schoeb et al. (US 6,100,618).**

Oberg et al. does not disclose the synchronous motors. Schoeb et al. teaches that the synchronous motor disclosed therein is suitable for driving a centrifuge (col. 13, lines 59-62). It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have substituted the drive motors of Oberg et al. with synchronous motors as taught by Schoeb et al. for the purpose of imparting higher efficiency and lower losses to the driven member (the centrifuge) - see col. 4, lines 54-61.

**15. Claims 2, 3/2, 6/2, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cyphelly (US 3,923,241) in view of Schoeb et al. (US 6,100,618).**

Cyphelly does not disclose the synchronous motors. Schoeb et al. teaches that the synchronous motor disclosed therein is suitable for driving a centrifuge (col. 13, lines 59-62). It would have been obvious to one having ordinary skill in the art, at the



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time applicant's invention was made, to have substituted the drive motors of Cyphelly with synchronous motors as taught by Schoeb et al. for the purpose of imparting higher efficiency and lower losses to the driven member (the centrifuge) - see col. 4, lines 54-61.

**16. Claims 2, 3/2, 4/3, 9, and 10/9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jager in view of Schoeb et al. (US 6,100,618).**

Jager does not disclose the synchronous motors. Schoeb et al. teaches that the synchronous motor disclosed therein is suitable for driving a centrifuge (col. 13, lines 59-62). It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have substituted the drive motors of Jager with synchronous motors as taught by Schoeb et al. for the purpose of imparting higher efficiency and lower losses to the driven member (the centrifuge) - see col. 4, lines 54-61.

**17. Claims 2, 3/2, 9, and 10/9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weder in view of Schoeb et al. (US 6,100,618).**

Weder does not disclose the synchronous motors. Schoeb et al. teaches that the synchronous motor disclosed therein is suitable for driving a centrifuge (col. 13, lines 59-62). It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have substituted the drive motors of Weder with synchronous motors as taught by Schoeb et al. for the purpose of imparting higher

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efficiency and lower losses to the driven member (the centrifuge) - see col. 4, lines 54-61.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited prior art discloses drive means for centrifuges. Koltze et al. and Olsson et al. teach synchronous type motors in a centrifuge environment.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri. All official facsimiles should be transmitted to the centralized fax receiving number 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in cursive script, appearing to read "Charles", followed by a long, horizontal, wavy flourish.

Charles E. Cooley  
Primary Examiner  
Art Unit 1723

22 July 2005